

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY April 25, 2011**, following the meetings of any scheduled Committees at **6:03 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Special Council Meeting
Regular Council Meeting

March 14, 2011
March 28, 2011

PUBLIC DISCUSSION - Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. Bill No. 11-01, an **ordinance** to **amend** certain sections of Ordinance No. 01-8-35, the Berkeley County Zoning and Development Standards Ordinance, as amended, **to provide for the regulation of building and structure height** within the residential, rural, commercial and industrial zoning districts.

[Recommended by Committee on Land Use]

2. Bill No. 11-02, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **William D. Farrior, IV**, located adjacent to 4758 Highway 41, Huger, **TMS #202-00-00-011** (0.92 +/- acres), **F-1, Agricultural District to RNC, Rural and Neighborhood Commercial**. Council District No. 8.

[Recommended by Committee on Land Use]

3. **Bill No. 11-03**, an **Ordinance** authorizing the execution and delivery of a Fee Agreement between Berkeley County, South Carolina and **New Breed Logistics of South Carolina, LLC**, and matters relating thereto.

[Recommended by Committee on Finance]

SECOND READING:

1. **Bill No. 11-04**, an **ordinance** to amend certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards Ordinance, as amended, to provide for the **regulation and duration of non-conforming uses** in the various zoning districts.

[Recommended by Committee on Land Use]

FIRST READING:

1. **Bill No. 11-05**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Colpar, Inc.**, requested by **T. B. Daniels**, located at the end of Diplomat Lane adjacent to I-26 near the College Park Road Interchange, Ladson, **Portion of TMS #242-00-03-052 & TMS #242-00-03-065, 066, -070** (6.3 +/- Total Acres), from **R-2, Manufactured Residential District** to **GC, General Commercial District**. Council District No. 5.

[Recommended by Committee on Land Use]

2. **Bill No. 11-06**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **MeadWestvaco-Various Entities**, located in the general vicinity of Rose Drive and Turtle Pond Road along Highway 17A, Summerville, **TMS #221-00-00-137, -062, -083, -092, -087, -088, -089, -145 & 221-16-01-019, -020, -022, -038** (49 +/- Acres) from **PDMU, Planned Development Mixed Use District & R-1, Single Family Residential District** to **PDMU, Planned Development Mixed Use District**. Council District No. 4.

[Recommended by Committee on Land Use]

3. **Bill No. 11-07**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John Hopkins**, 1531 Highway 52, Moncks Corner, **TMS #162-00-01-042** (6.75 Acres) from **GC, General Commercial District** to **R-1, Single Family Residential District**. Council District No. 8.

[Recommended by Committee on Land Use]

4. **Bill No. 11-08**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **James Morrison**, 1833 Highway 6, Pinopolis, **Portion of TMS #082-00-01-076** (0.22 Acres) from **Flex-1, Agricultural District** to **GC, General Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

5. **Bill No. 11-09**, an **ordinance** adopting the **2010 Comprehensive Plan update** for the County of Berkeley, pursuant to the State of South Carolina Comprehensive Planning Enabling Act of 1994.

[Recommended by Committee on Planning and Development]

6. **Bill No. 11-10**, an **ordinance** to amend the language of **Ordinance No. 79-3-08**, as amended, by requiring a **residency** requirement of all **Sangaree Advisory Committee Members**.

[Recommended by Committee on Finance]

7. **Bill No. 11-11**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

8. **Bill No. 11-12**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

9. **Bill No. 11-13**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

10. **Bill No. 11-14**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

11. **Bill No. 11-15**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.

[Recommended by Committee on Finance]

12. **Bill No. 11-16**, an **ordinance** providing appropriations for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for **Berkeley County**; to provide for levy of taxes on all taxable property in Berkeley County for all county purposes; to provide for the expenditures of said taxes and other revenues coming into the county for the fiscal year; and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by **Berkeley County Water and Sanitation**.

13. Bill No. 11-17, an ordinance to amend Ordinance No. 10-07-20 adopted July 26, 2010, to provide for **supplemental appropriations** and allocations thereof within the 2010-2011 budget for **Berkeley County**; and other matters relating thereto.

[Recommended by Committee on Finance]

14. Bill No. 11-18, an ordinance authorizing an **extension of the time** period for **Franklin C. Fetter Family Health Clinic, LLC**, to commence construction on two (2) acres of land located in Cross, South Carolina, identified as **TMS #041-00-04-061**, and authorizing the county supervisor to execute the necessary documents to effectuate such extension.

[Recommended by Committee on Land Use]

15. Bill No. 11-19, an ordinance authorizing (1) the execution and delivery of (a) a Second Amended and Restated Fee In Lieu of Tax and Incentive Agreement by and between Berkeley County, South Carolina (the "county") and **HLIT IV SC-1, L.P.** and **HLIT IV SC-2, L.P.** and (b) a Second Amended and Restated Fee In Lieu of Tax and Incentive Agreement by and between the county and **HW BERKELEY PHASE II-A, LLC**, **HW BERKELEY PHASE II-B, LLC** and **HW BERKELEY PHASE II-C, LLC**, in connection with investment in the county; and (2) other matters relating to the foregoing.

[Recommended by Committee on Finance]

RESOLUTION:

1. RESOLUTION providing for the **Transfer of Funds** in the **2010-2011 Berkeley County Budget** for County purposes other than as specified in said budget.

[Recommended by Committee on Finance]

2. RESOLUTION providing for the **Transfer of Funds** appropriated in the **2010-2011**, budget for **Berkeley County Water and Sanitation** for purposes other than as specified in said budget.

[Recommended by Committee on Water and Sanitation]

3. RESOLUTION identifying a **project** to satisfy the requirements of Title 12, Chapter 44 of the South Carolina Code, so as to allow investment expenditures incurred by **Project Surge**, its affiliates and related entities, to qualify as expenditures eligible for a **Fee-in-Lieu of Ad Valorem Taxes** arrangement with Berkeley County, South Carolina, committing to enter into necessary agreements with Project Surge to effect the intent of this resolution, and other matters related thereto.

[Recommended by Committee on Finance]

PROCLAMATION:

1. PROCLAMATION declaring **May 2011** as **MOTORCYCLE SAFETY AWARENESS MONTH**.

[Recommended by Committee on Human Services]

2. PROCLAMATION recognizing the outstanding accomplishments of **Samual Philip May-Rodda**.

REPORTS FROM STANDING COMMITTEES:

- 1. Committee on Finance.**
Council Member, Mr. Jack H. Schurlknight, Chairman.
 - a.** Additional funds for Mosquito Abatement.
- 2. Committee on Land Use.**
Council Member, Mr. Phillip Farley, Chairman.
 - a.** Extension of time addressed in reverter clause for Franklin C. Fetter Family Center, Inc.
- 3. Committee on Public Works and Purchasing.**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman.
- 4. Committee on Justice and Public Safety.**
Council Member, Mr. Steve C. Davis, Chairman.
 - a.** Approval of application for Traffic Enforcement Grant for Sheriff's Dept.
- 5. Committee on Water and Sanitation.**
Council Member, Mr. Robert O. Call, Jr., Chairman.
- 6. Committee on Planning and Development.**
Council Member, Mrs. Cathy S. Davis, Chairman.
- 7. Committee on Community Services.**
Council Member, Mr. Timothy J. Callanan, Chairman.
 - a.** Acceptance of Security Fencing grant for Airport.
- 8. Committee on Human Services.**
Council Member, Mr. Dennis Fish, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

AERONAUTICS COMMISSION

BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION

CHARLESTON REGIONAL DEVELOPMENT ALLIANCE

DEVON FOREST

LIBRARY BOARD

MENTAL HEALTH BOARD

ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE MAY 2011, REGULAR MEETING OF BERKELEY COUNTY COUNCIL, WILL BE HELD ON MONDAY MAY 23, 2011, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND ANY SCHEDULED COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

April 20, 2011
S/Barbara B. Austin, CCC
Clerk of County Council